

Adulteration of the article was alleged in the information for the reason that a substance, to wit, distilled vinegar, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength and had been substituted in part for pure apple cider vinegar, which the said article purported to be. Adulteration was alleged for the further reason that the article was a product inferior to pure apple cider vinegar and was colored with caramel so as to simulate the appearance of pure apple cider vinegar and in a manner whereby its inferiority to pure apple cider vinegar was concealed.

Misbranding was alleged for the reason that the statement, to wit, "Pure Apple Cider Vinegar," borne on the labels attached to the bottles containing the said article, regarding the article and the ingredients and substances contained therein, was false and misleading in that the said statements represented that the article was pure apple cider vinegar, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure apple cider vinegar, whereas, in truth and in fact, it was not pure apple cider vinegar, but was a mixture composed in part of distilled vinegar, artificially colored. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale and sold under the distinctive name of another article, to wit, pure apple cider vinegar.

On November 18, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Secretary of Agriculture.*

12525. Misbranding of olive oil and vegetable salad oil. U. S. v. 10 Cases of Olive Oil and 10 Cases of Vegetable Salad Oil. Decree ordering release of product under bond to be relabeled. (F. & D. No. 18082. I. S. Nos. 9826-v, 9827-v. S. No. W-1443.)

On November 28, 1923, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of olive oil and 10 cases of vegetable salad oil, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the articles had been shipped by the B. G. Makris Co. from New York, N. Y., on or about September 29, 1923, and transported from the State of New York into the State of Utah, and charging misbranding in violation of the food and drugs act, as amended. The olive oil was labeled in part: "Makris Brand Imported Lucca Olive Oil * * * Net Contents One Gallon B. G. Makris Importer & Packer Lucca Italy-France N. Y. U. S. A." The vegetable oil was labeled in part: "Il Papa Degli Olii Uncle Sam Oil Our Brand * * * Winter-pressed Vegetable Salad Oil * * * Net Contents One Gallon * * * Packed by B. G. Makris New York."

Misbranding of the articles was alleged in the libel for the reason that the statement, "Net Contents One Gallon," appearing on the labels of the cans containing the respective articles, was false and misleading in that the net contents of the said cans was not 1 gallon. Misbranding was alleged for the further reason that the articles were in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On July 7, 1924, B. G. Makris, New York, N. Y., having appeared as claimant for the property and having paid the costs of the proceedings and executed a bond in the sum of \$1,000, in conformity with section 10 of the act, a decree of the court was entered, ordering that the product be released to the said claimant to be relabeled under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12526. Adulteration and misbranding of coal-tar color. U. S. v. 1 Can of Coal-Tar Color. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 14838. I. S. No. 3156-t. S. No. C-2997.)

On April 28, 1921, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 can of coal-tar color at Laredo, Texas, alleging that the article had been shipped by the W. B. Wood Mfg. Co. from St. Louis, Mo., on or about March 3, 1921, and transported from the State of Missouri into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "1 Lb. Net W. B.

Wood Mfg. Co., St. Louis, Mo. Complies with all requirements Warranted Quality Color Number 810 Contents Yellow."

Adulteration of the article was alleged in the libel for the reason that sodium chloride and sodium sulphate had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it injurious to health.

Misbranding was alleged for the reason that the statement on the label, "Complies with all requirements, Warranted Quality, Color," was false and misleading and deceived and misled the purchaser.

On December 8, 1923, the W. B. Wood Mfg. Co., St. Louis, Mo., having appeared as claimant for the property, and an agreement having been entered into between the claimant and the Government that the case should be governed by the decision in a similar case then pending in the Circuit Court of Appeals for the Seventh Circuit on writ of error to the Eastern District of Illinois, and the court having determined that the said case had terminated in favor of the Government (*W. B. Wood Mfg. Co. v. U. S.* 286, Fed. 84), a judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal and that the claimant pay the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

12527. Adulteration and alleged misbranding of canned salmon. U. S. v. 79 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond to be sorted. (F. & D. No. 16868. I. S. No. 7738-v. S. No. W-1219.)

On October 4, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 79 cases of salmon remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by R. V. Anderson from Seldovia, Alaska, on or about August 25, 1922, and transported from the Territory of Alaska into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Case) "Med. Red N. P."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the statement "Med. Red," appearing on the labels of the said cases, was false and misleading and deceived and misled the purchaser.

On February 16, 1924, the Seldovia Packing Co., Seattle, Wash., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of the court was entered, finding the product to be adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$395, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion under the supervision of this department and the bad portion destroyed.

HOWARD M. GORE, *Secretary of Agriculture.*

12528. Misbranding of olive oil. U. S. v. 42 Cans, et al., of Olive Oil. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16071. I. S. Nos. 5545-t, 5546-t, 5547-t. S. No. E-3791.)

On February 28, 1922, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 42 gallon cans, 12 half-gallon cans, and 90 quart cans of olive oil, remaining in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by Poletti & Co. from New York, N. Y., on or about July 7, 1921, and had been transported from the State of New York into the State of Rhode Island, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Mariani Pure Olive Oil Surfine * * * Contains One Gallon Full